

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Raymond P. Feith et al.

Application No.: 10/816,183

Confirmation No.: 7854

Filed: March 31, 2004

Art Unit: 3763

For: MULTI-VALVE INJECTION/ASPIRATION
MANIFOLD WITH NEEDLELESS ACCESS
CONNECTION

Examiner: Q. H. Vu

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed January 24, 2008, Applicant hereby provisionally elects Invention I and Species F for continued examination, with traverse.

I. General

The Examiner has required restriction between claims 1-3 and 7-8 (identified as Invention I), asserted by the Examiner to be drawn to an injection port, classified in class 604, subclass 247; claims 4-6, 9-15, 16-19 and 22-23 (identified as Invention II), asserted by the Examiner to be drawn to an injection manifold, classified in class 604, subclass 80; and claims 20-21 (identified as Invention III), asserted by the Examiner to be drawn to a needleless access connection, classified in class 137, subclass 512.4.

The Examiner has also required restriction between FIGURES 2A, 3A and 4A (identified as Species A); FIGURES 2B, 3B and 4B (identified as Species B); FIGURES 3C and 4C (identified as Species C); FIGURE 4D (identified as Species D); FIGURE 10

(identified as Species E); FIGURE 14 (identified as Species F); FIGURE 15 (identified as Species G); FIGURE 16 (identified as Species H); and FIGURE 17 (identified as Species I).

Applicant traverses the restriction and has elected Invention I and Species F for prosecution on the merits. Accordingly, Applicant requests the non-elected claims be withdrawn without prejudice.

First, Applicant canceled claims 4-6, 9-19, and 22-23 in the preliminary amendment of March 31, 2004. After the amendment, only claims 1-3 and 7-8 (corresponding to invention I) remain. Therefore, the restriction of inventions I, II, and III is moot.

Second, Applicant traverses the restriction of species F, G, and H, since species F, G, and H actually refer to the same port configuration. It is noted that the restriction defines species F as that shown on FIGURE 14, species G as that shown on FIGURE 15, and species H as that shown on FIGURE 16. However, the FIGURES 14-16 show the same embodiment. Specifically, FIGURE 16 shows port 32 during aspiration, FIGURE 15 shows the same port (32) during injection, and FIGURE 14 shows the same port when there is neither aspiration nor injection. In other words, FIGURES 14-16 show the same embodiment at different times during use—nevertheless, it is the same embodiment with the same structure shown in all three FIGURES. Also see the passage at page 13, line 11, through page 14, line 2, which describes the port shown in FIGURES 14-16. “A preferred configuration for the injection/aspiration port 32 is illustrated in Figures 14-16.” Specification at page 13, lines 11-12 (stating that the subject matter shown in FIGURES 14-16 is a configuration). Accordingly, withdrawal of the restriction between species F, G, and H is respectfully requested.

Claims 1-3 are generic to the subject matter shown in FIGURES 14-16 (defined as species F, G, and H). Specifically, each of claims 1-3 read on FIGURES 14-16.

II. Conclusion

Applicant believes a fee of \$460 is due with this response for a two-month extension of time to respond. However, if additional fees are due, please charge our Deposit Account

Application No. 10/816,183
Amendment dated April 24, 2008
Reply to Restriction Requirement of January 24, 2008

Docket No.: 74688/P004CP1D1/10804933

No. 06-2380, under Order No. 74688/P004CP1D1/10804933 from which the undersigned is authorized to draw.

Dated: April 24, 2008

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: April 24, 2008

Signature: 

Donna Dobson

Respectfully submitted,

By 

Thomas Kelton

Registration No.: 54,214

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